

## Policy 1009

# EXHIBIT G

### SEARCHES AND SEIZURES

The Board of Education, in recognition of the necessity of conducting searches and seizures from time to time in order to enforce school policies, adopts the following policy regarding searches and seizures.

#### A. Definitions

As used in this policy:

1. “Contraband” means any substance, material object, or illegal item prohibited from school pursuant to school policy or state or federal law, including but not limited to drugs, alcohol, fireworks, or weapons.
2. “Reasonable individualized suspicion” means reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. A search without reasonable individualized suspicion is limited to specific circumstances where the privacy interests implicated by the search are minimal, and where nature and immediacy of an important governmental interest at issue would be placed in jeopardy by a requirement of individualized suspicion and the efficacy of the means used to address the threat to that interest weigh in favor of the search.

#### B. Rules Regarding Searches and Seizures

School property assigned to a student and a student’s person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

1. Notice of search policy: Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

2. Who may search: Certified school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person(s), who upon consent become(s) an authorized person for the purpose of that search only.

3. When a search is permissible: Unless this policy provides otherwise, an authorized person may conduct a search when (s)he has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when (s)he has reasonable cause to believe that a search is necessary to help maintain school discipline.

#### C. Conduct of Searches; Witnesses

The following requirements govern the conduct of permissible searches by authorized persons:

1. School property, including lockers and school buses, may be searched with or without students present and without prior notice unless an administrative authority provides otherwise. When students are not present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one or circumstances otherwise render such action necessary in the judgment of the administrative authority.

2. Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches. The

interiors of vehicles on school property may be inspected and searched whenever a school official has a reasonable individualized suspicion that contraband is within such a vehicle.

3. A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband, weapons or explosive devices. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in the presence of a witness of the same sex. Strip searches are not permitted. However, with reasonable, individualized suspicion, coats, purses, backpacks, briefcases, or similar personal effects may be searched.

4. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established. The dogs will be accompanied by a qualified and authorized dog trainer-handler, who will be responsible for the dogs' actions. Any indication by the dog that an illegal or unauthorized substance or object is present on school property, or in a vehicle on school property shall be reasonable cause for a search by school officials.

#### D. Seizure of items

1. Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

2. Notification of law enforcement authorities: Unless board policy provides otherwise, an administrative authority shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.